

### **REMARKS/ARGUMENTS**

1. **Restriction/Election** – The undersigned attorney affirms the election of Species I, represented in claims 1-9 and 12-18.
2. **Claims Objection** – The Examiner required correction to claims 2 and 13. These claims have been canceled, so the issue of correction is moot.
3. **Claim Rejections - 35 U.S.C. § 102(b)** – The Examiner rejected claims 1, 2, 12, 13, and 18 under 35 U.S.C. §102(b) as being anticipated by the references of Tatar or Stephenson. In response, the rejected claims have been canceled.
4. **Claim Rejections - 35 U.S.C. § 103(a)** - Claims 3, 4, 5-7, 13, 14, 15, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references of Tatar, Reams, and/or Lautmann. In response, the rejected claims have been canceled.
5. **Allowable Claims** – Claims 8 and 9 were deemed allowable provided that they were rewritten to include the matter of the base claim and any intervening claims. In response, claims 8 and 9 have been rewritten as directed and should now be in a condition for allowance.
6. **New Claims** – New claims 22-24 have been added and are hereby presented for examination. Claim 22 adds the limitation of the male portion and sheath being comprised of a heat resistant material, which is not contemplated by the prior art presented so far. Given that the present invention is directed toward a cooking implement designed for use in an environment of heat and flames, this is not a trivial limitation. Also, since none of the cited prior art is designed for a hot cooking environments, this limitation is not anticipated, nor is it obvious. Claim 23 adds the limitation of the heat resistant material being a heat resistant plastic. Claim 24

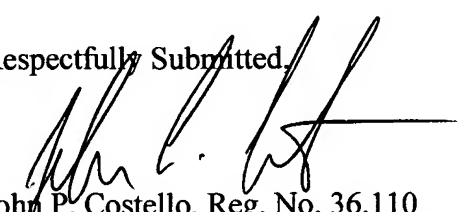
adds the limitation of the utensil being a fork having elongate proportions for allowing a user to safely manipulate the fork in an environment of heat and flames. Again the prior art cited by the examiner does not anticipate the structure of a fork utensil end, nor does the prior art cite length for keeping away from heat and flames as being a crucial consideration. Also, because none of the cited prior art contemplates a fork either singly or when considered in combination, a fork utensil end when considered with the other limitations of claim 24, is not obvious.

7. **Non-Compliant Amendment** - The original amendment to the office action dated November 26, 2004 was considered to be non-compliant due to the text of the canceled claims being listed in their entirety. This present amendment has submitted a corrected claims section wherein the canceled claims are merely noted as "canceled" and there is no longer a full text listing of the canceled claims.

8. The undersigned, an attorney licensed to practice before the Patent and Trademark Office requests that the examiner find the present application in a condition for allowance, and any questions regarding this response to be directed to the undersigned attorney at (916) 441-2234.

Dated: April 30, 2005

Respectfully Submitted,

  
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